

FACSIMILE TRANSMISSION TO USPTO

CERTIFICATION OF FACSIMILE TRANSMISSION:
I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING
FACSIMILE TRANSMITTED TO THE USPTO ON THE DATE SHOWN
BELOW:

Date of Transmission: August 15, 2002

Name of Person

Making Transmission: Susan David

Signature: *S. David 8/15/02*

DOCUMENT(S) FAXED: (MARKED WITH X)

4 PAGES ATTACHED

Amendment
 Restriction Requirement
 Other: _____

Notice of Appeal
 Terminal Disclaimer
 Other: _____

Re Applic of	Cyprian E. Uzoh, et al.
Docket No.	FIS9-1997-0138-US2
Serial No.	09/604,539
Filing Date	June 27, 2000
Attorney	Tiffany L. Townsend

FAX RECEIVED
AUG 15 2002
GROUP 1700
OFFICIAL

PLEASE DELIVER THIS FAX TO:

EXAMINER: Michael E. LaVilla
 ART UNIT: 1775
 PHONE NO: (703) 308-4428
 FAX NO: (703) 872-9310

THIS MESSAGE IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY TO WHICH IT IS ADDRESSED, AND MAY CONTAIN INFORMATION THAT IS PRIVILEGED, CONFIDENTIAL AND EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAW. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT, OR THE EMPLOYEE OR AGENT RESPONSIBLE FOR DELIVERING THE MESSAGE TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE AND RETURN THE ORIGINAL MESSAGE TO US AT THE ADDRESS TO THE RIGHT VIA THE U.S. POSTAL SERVICE.

INTERNATIONAL BUSINESS
MACHINES CORPORATION

Intellectual Property Law
 East Fishkill Facility
 2070 Route 52
 Hopewell Junction
 New York 12533-6531

Fax: 845-892-6363
 Phone: 845-894-9664

AMENDMENT TRANSMITTAL LETTER (Large Entity)

Applicant(s): CYPRIAN E. UZOH, ET AL.

Docket No.
FIS9-1997-0138-US2Serial No.
09/604,539Filing Date
06/27/00Examiner
MICHAEL E. LAVILLAGroup Art Unit
1775

Invention: ELECTROMIGRATION-RESISTANT COPPER MICROSTRUCTURE

TO THE ASSISTANT COMMISSIONER FOR PATENTS:

Transmitted herewith is an amendment in the above-identified application.

The fee has been calculated and is transmitted as shown below.

CLAIMS AS AMENDED					
	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST # PREV. PAID FOR	NUMBER EXTRA CLAIMS PRESENT	RATE	ADDITIONAL FEE
TOTAL CLAIMS	-	20 =	0	0 x \$18.00	\$0.00
INDEP. CLAIMS	-	3 =	0	0 x \$84.00	\$0.00
Multiple Dependent Claims (check if applicable)	<input type="checkbox"/>				
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT					\$0.00

No additional fee is required for amendment.

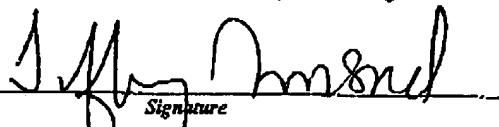
Please charge Deposit Account No. in the amount of
A duplicate copy of this sheet is enclosed.

A check in the amount of to cover the filing fee is enclosed.

The Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 09-0458
A duplicate copy of this sheet is enclosed.

Any additional filing fees required under 37 C.F.R. 1.16.

Any patent application processing fees under 37 CFR 1.17.

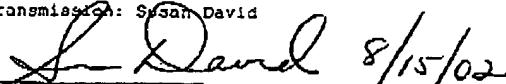


Dated: August 15, 2002

Tiffany L. Townsend, Attorney
Registration No. 43,199
Tel. : (845) 894-3668
Fax : (845) 892-6363

CERTIFICATION OF FACSIMILE TRANSMISSION:
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BELOW:

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Name of Person
Making Transmission: Susan David

Signature: 

cc:

08/15/02 14:42 FAX 949 640 1206

LARRY K. ROBERTS, INC

001

HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P. O. Box 272400
Fort Collins, Colorado 80527-2400

PATENT APPLICATION

ATTORNEY DOCKET NO. 10991745-1

IN THE
UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): SAID ZAMANI-KORD et al.

Confirmation No.: 7179

Application No.: 09/443,401

Examiner: NGUYEN, K.

Filing Date: Nov 19, 1999

Group Art Unit: 1774

Title: TECHNIQUES TO PREVENT LEAKAGE OF FLUORESCING SIGNALS THROUGH
PRINT MEDIA OR INDICIA TAPE

COMMISSIONER FOR PATENTS
Washington, D.C. 20231

TRANSMITTAL LETTER FOR RESPONSE/AMENDMENT

Sir:

Transmitted herewith is/are the following in the above-identified application:

() Response/Amendment () Petition to extend time to respond
() New fee as calculated below () Supplemental Declaration
() No additional fee (Address envelope to "Box Non-Fee Amendments")
(X) Other: Request to Withdraw Finality of Office Action (fee \$ _____)

CLAIMS AS AMENDED BY OTHER THAN A SMALL ENTITY						
(1) FOR	(2) CLAIMS REMAINING AFTER AMENDMENT	(3) NUMBER EXTRA	(4) HIGHEST NUMBER PREVIOUSLY PAID FOR	(5) PRESENT EXTRA	(6) RATE	(7) ADDITIONAL FEES
TOTAL CLAIMS		MINUS		= 0	X \$18	\$ 0
INDEP. CLAIMS		MINUS		= 0	X \$84	\$ 0
[] FIRST PRESENTATION OF A MULTIPLE DEPENDENT CLAIM					+ \$280	\$ 0
EXTENSION FEE	1ST MONTH \$110.00	2ND MONTH \$400.00	3RD MONTH \$920.00	4TH MONTH \$1440.00		\$ 0
OTHER FEES						\$
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT						\$ 0

Charge \$ 0 to Deposit Account 08-2025. At any time during the pendency of this application, please charge any fees required or credit any overpayment to Deposit Account 08-2025 pursuant to 37 CFR 1.25. Additionally please charge any fees to Deposit Account 08-2025 under 37 CFR 1.16, 1.17, 1.19, 1.20 and 1.21. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

SAID ZAMANI-KORD et al.

By



Larry K. Roberts

Attorney/Agent for Applicant(s)
Reg. No. 28,464

Date: Aug 15, 2002

PATENT
10991745-1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Said Zamani-Kord et al.

Serial No. 09/443,401

Filed: 11/19/1999

For: TECHNIQUES TO PREVENT
LEAKAGE OF FLUORESCING
SIGNALS THROUGH PRINT
MEDIA OR INDICIA TAPE

Art Unit: 1774

Examiner: Nguyen, K.

#10

REQUEST TO WITHDRAW FINALITY OF OFFICE ACTIONCommissioner for Patents
Washington, D.C. 20231

Dear Sir:

Applicant respectfully requests that the Office reconsider and withdraw the final status of the office action mailed July 2, 2002. The action contains new grounds of rejection not necessitated by applicant's amendment filed April 22, 2002.

Under MPEP § 706.07(a), a second or any subsequent action on the merits in any application shall be final, except where the examiner introduces a new ground of rejection that is neither necessitated by applicant's amendment of the claims nor based on information submitted in an information disclosure statement during the period set forth in 37 CFR 1.9(c). Furthermore, a second action on the merits will not be made final if it includes a rejection, on newly cited art, other than information submitted in an information disclosure statement filed under 37 CFR 1.97(c), of any claim not amended by applicant.

Here, in the final action of July 2, 2002, the Examiner has introduced new grounds of rejection not necessitated by amendment nor based on information submitted by applicant. In particular, the rejection of Claims 1 and 10 under 35 USC § 103 as being unpatentable over Chatwin et al. (5,492,370) in view of Curatolo (6,165,609) is a new ground of rejection of claims which were not amended in the prior amendment. While the final action states that the rejection of claims 1 and 10 on this ground is "as previously stated in the Office Action submitted on December 12, 2001," the previous rejection was based on Chatwin

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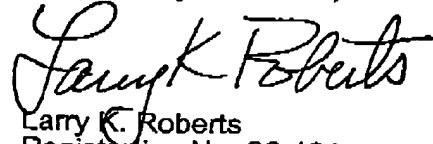
10991745-1

et al. in view of Mansukhani (4,243,694). Curatolo is first made of record in the Office Action of July 2, 2002.

Because the final status of the outstanding rejections is contrary to MPEP 706.07(a), and because applicant will otherwise be deprived of a full opportunity to respond to the new rejection of Claims 1 and 10, applicants respectfully requests that the final status of the action mailed July 2, 2002 be withdrawn.

While it is not believed that any fee is due for this request, should the Office disagree, any fee due may be charged to the assignee's deposit account, 08-2025, as authorized in the accompanying transmittal letter.

Respectfully submitted,



Larry K. Roberts
Registration No. 28,464

Dated: 8/15/02

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Newport Beach, CA 92658-8569
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Facsimile (949) 640-1206